

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v. CRIMINAL ACTION NOS. 2:03-00020
2:06-00039

PHILLIP TERRY DELANEY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 9, 2021, the United States of America appeared by Jeremy B. Wolfe, Assistant United States Attorney, and the defendant, Phillip Terry Delaney, appeared in person and by his counsel, John H. Tinney, Jr., for a hearing on the Petition submitted by United States Probation Officer Kachine Jonese, and Amendment to Petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a three-year term of supervised release on each Count One and Count Two in criminal action 2:06-00039, and a twelve-month term of supervised release in criminal action 2:03-00020 on April 12, 2019, as more fully set forth in the Judgment in a Criminal Case Orders entered by the court on July 26, 2006, and July 8, 2003, respectively.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on April 15, and June 4, 2019, the defendant submitted urine specimens that tested positive for marijuana, and the defendant admitted smoking marijuana to the probation officer and submitted a voluntary admission form acknowledging use of marijuana, and on and June 18, 2019, the defendant submitted a urine specimen that tested positive for marijuana; (2) on or about July 25, 2019, the defendant was in possession of a stolen vehicle for which he pled guilty to possession of a stolen vehicle in the Circuit Court of Fayette County, West Virginia, on September 2, 2020; all as admitted and all as set forth in the Petition and Amendment to Petition.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release in criminal action 2:06-00039 and, further, that it would unduly depreciate the seriousness of the

violations if supervised release were not revoked, it is ORDERED that the supervised release terms previously imposed upon the defendant in each Count One and Count Two in criminal action 2:06-00039 be, and they hereby are, revoked.

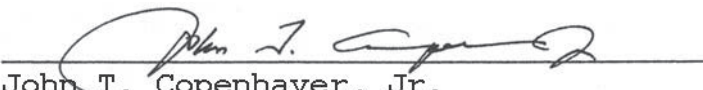
And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment in criminal action 2:06-00039, for a period of TWELVE (12) MONTHS AND ONE (1) DAY on Count One, and for a period of TWELVE (12) MONTHS AND ONE (1) DAY on Count Two, to run concurrently with each other, and with a further term of supervised release of TWENTY-FOUR (24) MONTHS LESS ONE (1) DAY on each Count One and Count Two, to run concurrently with each other, with the same terms and conditions as heretofore.

The court declines as unnecessary to revoke or impose any further sentence or supervised release in criminal action 2:03-00020.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 12, 2022


John T. Copenhaver, Jr.
Senior United States District Judge